THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 4442 of 2006

DATED: 13-03-2006

Between:

Anthony Muttu …Petitioner

and

The Government of A.P.

Represented by its District Collector,

Hyderabad and others … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 4442 of 2006

ORDER:

Seeking to declare the action of the respondents 2 and 3 and their subordinates in taking steps to dispossess the petitioner from the premises bearing No.17-2-309/1 admeasuring 89 square yards situated at Madannapet, Saidapet, Hyderabad without issuing any notice and without following due process of law as illegal and arbitrary, petitioner filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for revenue appearing for the respondents 1 and 2 and also the learned Government Pleader for Education appearing for the 3rd respondent and perused the record.

It is the case of the petitioner that an extent of 2600 square yards in survey

Nos.237/1,2 and 3 of Madannapet village of Saidabad Mandal of Hyderabad, originally belongs to one K. Krishna Reddy and four others. As per the orders of the Special Officer and competent authority dt.26-2-1982 under Section 8(4) of the Urban Land (Ceiling and Regulation) Act, 1976(for short 'the Act'), the same was found as retainable land. As the total extent of the land is found as retainable land, the said K. Krishna Reddy and four others have sold the same in favour of Telangana Agriculture Officers Staff Cooperative Housing Society Limited. The said society, in turn, allotted the same to its members through individual sale deeds and in that process, petitioner was also allotted an extent of 89 square yards bearing Municipal No.17-2-309/1. It is stated that the said land is not the government land or the excess land as declared under the provisions of the Act, petitioner is entitled to enjoy the said land uninterruptedly by any authority.

Having regard to the facts and circumstances of the case, I deem it appropriate to direct the second respondent not to dispossess the petitioner without following due process of law.

Accordingly, writ petition is disposed of directing the second respondent not to dispossess the petitioner and not to take any coercive steps against the petitioner without following the procedure prescribed under law. No order as to costs.

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V. ESWARAIAH, J.

Dated: 13-03-2006

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